

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HITOSHI KIDOKORO and MASATO MATSUBARA

Appeal No. 2009-5497
Application 10/517,656
Technology Center 3700

Mailed: February 23, 2010

Before *JOYCE GUNTER-RILEY, Review Paralegal.*

GUNTER-RILEY, Review Paralegal.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A Docketing Notice was mailed and Appeal No. 2009-005497 was assigned on March 16, 2009. A review of the application has revealed that the application was not ready for an appeal.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

On June 06, 2008, an Examiner's Answer was mailed. The "Evidence Relied Upon section" relied on the foreign reference(s) JP 57186378A, JP 405022941A, JP 358141689A, JP 407111427A and JP 403011904A in rejecting the claims. A review of the application reveals that the reference has not been scanned into the Image File Wrapper (IFW). Appropriate correction is required.

CONCLUSION

Accordingly, it is hereby

ORDERED that the application is returned to the Examiner for further consideration.

- 1) issue a copy of the missing reference into IFW; and
- 2) for such further consideration

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

/jgr/

SUGHRUE MION, PLLC

2100 PENNSYLVANIA AVENUE, N.W.

SUITE 800

WASHINGTON DC 20037